IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25737 OF 2002

DATED: 15-09-2005

Between:

Chaitanya Vidyalaya Upper Primary School (Aided)

Rep by its Correspondent T.Chandraiah

Bhongir, Nalgonda district and others petitioners

And

The Govt. of A.P.

Rep by its Secretary,
Education Department

Secretariat, Hyderabad & others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 25737 OF 2002

ORAL ORDER:

The present writ petition is filed by the Aided Educational Institutions of Nalgonda district seeking a direction to the respondents to revise collection of Rs.5/- per month towards Building Improvement Fund in terms of G.O.Ms.No.37 Education (SSEI) Department dated 6-2-1988 to that of Rs.75/- per month per student for the classes from 1st to 7th and Rs.150/- in respect of classes from 8th to 10th.

In terms of G.O.Ms.No.37 dated 6-2-1988, the aided institutions are permitted to collect an amount of Rs.5/- per month from a student for maintenance and improvement of the school buildings. The grievance of the petitioners in the present writ petition is that with the paltry sum of Rs.5/- per month from a student, in these

days of high inflation, they are not in a position to maintain the school buildings. Hence, the present writ petition for enhancement of building maintenance fund.

A counter affidavit was filed on behalf of respondents sworn in by the third respondent/District Educational Officer, Nalgonda denying the allegations made in the writ petition and stating that upon consideration of the matter, the Government of Andhra Pradesh has permitted release of Maintenance Grant i.e., 2 % of Basic Pay of Teaching and Non Teaching staff working in private Aided institutions vide G.O.Ms.No.320 Education dated 16th September, 1994. It is also stated that there is no condition stipulated at the time of admitting the posts in Private Aided Institutions into Grant-in-Aid to meet the expenses of building maintenance etc., by the Government. The relevant portion of the counter affidavit reads as under:

> *"……The Government of Andhra Pradesh has permitted the release of Maintenance Grant i.e.,*
> *2 % of Basic Pay of Teaching and Non-Teaching Staff, working in Private Aided Institutions in terms of G.O.Ms.No.320 Education dated 16th September 1994 (copy enclosed). As per budget availability in the maintenance grant is being released proportionately to the eligible schools and not exceed 2% Basic Pay, there is no Government orders for releasing of maintenance grant at 6 % of Grant-in-aid."*

Learned Government Pleader for School Education submitted that revision of maintenance grant etc, are the policy decisions to be taken by the Government and that the Government after taking into consideration all the relevant facts, has granted 2% of Basic Pay of Teaching and
Non-Teaching staff working in Private Aided Institutions towards maintenance grant and the same is being released to the eligible schools.

Heard the learned counsel for petitioner and learned Government Pleader for School Education.

The revision of maintenance grant is a policy decision to be taken by the Government and this Court in exercise of jurisdiction under Article 226 of the Constitution, cannot interfere with the same.
That apart, as per the statement made in the counter affidavit, the Government of Andhra Pradesh has issued G.O.Ms.No. 320 Education Dated 16th September, 1994, permitting release of Maintenance
Grant @ 2 % of Basic Pay of Teaching and Non-Teaching Staff, working in Private Aided Institutions.

For the foregoing reasons, the writ petition fails, and accordingly, the same is dismissed. This order does not preclude the petitioners, from making a representation to the State Government for increase in maintenance grant or collection of maintenance fund, if so advised.

On filing such an application, the respondents shall consider the same and pass appropriate orders in accordance with law. No costs.

_____

N.V.RAMANA,J

15-09-2005

TVK

224

THE HON'BLE MR JUSTICE N.V. RAMANA

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION NO : 25737 OF 2002

Date: 15-09-2005